

1 Christopher D. Jaime, Esq., Nev. Bar #4640
2 Maupin, Cox & LeGoy
3 4785 Caughlin Parkway
4 P.O. Box 30000
5 Reno, Nevada 89520
6 Telephone: (775) 827-2000
7 Fax: (775) 827-2185
8 E-mail: cjaime@mclrenolaw.com
9 Attorneys for Movants

10 UNITED STATES BANKRUPTCY COURT

11 DISTRICT OF NEVADA

12 IN RE:

Case No: BK-10-51372-gwz

13 ROGER PIERRE BAYLOCQ,

Chapter 11

14 MOTION TO EXTEND TIME TO:
15 (1) DETERMINE DISCHARGEABILITY OF
16 DEBT; AND (2) FILE PROOFS OF CLAIM

17 Debtor.

Hearing Date: September 1, 2010

Hearing Time: 2:00 p.m.

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20 Harvest Time Foundation and Aspen Valley Christian Foundation ("Foundations") and Bert
21 and Emma Van Komen ("Van Komens") (collectively, unless otherwise noted, "Movants") hereby
22 move the Court for an order (i) extending the date by which they may (i) if necessary, file an action
23 to determine the dischargeability of a debt; and (ii) extending their respective claims bar date. This
24 motion is made pursuant to 11 U.S.C. § 523, FRBP 3003(c)(3), 4007(c), 9006(b)(1) and (3) and
25 9014, LR 9014, the papers on file herein, and any oral and/or written evidence that may come before
26 the Court on any hearing on this matter. It is based on the following grounds:

1. Movants are or may be creditors of Roger Baylocq ("Debtor"). The Debtor filed a
petition for relief under Title 11, Chapter 11, U.S. Code, on April 15, 2010. No trustee has been

1 appointed and the Debtor continues to operate as a debtor and debtor in possession.

2 2. The standards for establishing a creditor's request for an extension of time to file a
3 complaint objecting to the dischargeability of a particular debt are not clearly established in the
4 applicable rules of bankruptcy procedure. Federal Rule of Bankruptcy Procedure 4007(c) provides
5 only that the deadline for the filing of a § 523 complaint may be extended "for cause" and that "[t]he
6 motion shall be filed before the time has expired."¹ Federal Rule of Bankruptcy Procedure
7 3003(c)(2) also states that the court "for cause shown may extend the time within which proofs of
8 claim or interest may be filed."
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10 3. The bar date for filing a complaint to determine the dischargeability of a debt is July
11 23, 2010. Accordingly, this motion is timely under FRBP 4007(c). *See Anwiler v. Patchett*, 958
12 F.2d 925, 927 (9th Cir.), *cert. denied*, 596 U.S.882 (1992). This motion is also made prior to the
13 expiration of the claims bar date of August 24, 2010, and, in that respect, is likewise timely under
14 FRBP 3003(c)(3) and 9006(1). Cause for the requested extensions also exists. "Cause" is not
15 defined and the determination is committed to the Court's discretion. *In re Rarhid*, 171 B.R. 94, 96
16 (N.D. Cal. 1994).
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18 4. Movants' claims and potential claims arise out of and are based upon the sale of
19 numerous parcels of real property located in Fallon, Nevada, involve pre-petition state court
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22 ¹In relevant part, FRBP 4007(c) states as follows:

23 [A] complaint to determine the dischargeability of any debt pursuant to § 523(c) shall
24 be filed no later than 60 days after the first date set for the meeting of creditors under
25 § 341(a). The court shall give all creditors no less than 30 days' notice of the time
26 so fixed in the manner provided in Rule 2002. On motion of a party in interest, after
hearing on notice, the court may for cause extend the time fixed under this
subdivision. The motion shall be filed before the time has expired.

1 litigation and may involve transfers to or among other entities owned and/or controlled by the Debtor
2 as was disclosed by the Debtor during the § 341 meeting. The undersigned has obtained and
3 reviewed, and is still in the process of obtaining and reviewing, documents that pertain to Movants'
4 claims and potential claims in this case. Additional documents and information may be under the
5 exclusive control of the Debtor and may require either a subpoena or a Rule 2004 examination.
6 Documents examined to date suggest that the Debtor may have claims improperly scheduled with
7 respect to classification and amount. Discussions between the undersigned and the Movants also
8 suggest, at least preliminarily, there may be a basis for the Court to declare the Movants' claims
9 and/or potential claims nondischargeable under 11 U.S.C. § 523. Additional time, however, is
10 required in order to fully investigate and determine the proper classification, amount and
11 dischargeability of those claims and to ascertain whether further action, if any, with respect to those
12 claim(s) is warranted.

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15 5. The extensions requested herein are not made in bad faith. *See In re Kellogg*, 41 B.R.
16 836, 838 (Bankr. W.D. Okl. 1984) ("[E]xtensions should be granted liberally absent a clear showing
17 of bad faith[.]"). The extensions requested herein will also neither prejudice the Debtor nor
18 adversely affect the administration of this case. This case has not yet progressed to the point where
19 the Debtor has filed a disclosure statement or proposed plan. In fact, in order to prepare a disclosure
20 statement that meets the requirements of § 1125 and a plan that satisfies the confirmation
21 requirements of § 1129 the Debtor will need to resolve issues regarding Movants' claims and
22 potential claims including, but not limited to, the existence, amount and proper classification of those
23 claims. The extensions requested herein will facilitate the discovery and development of that
24 information. Granting the extensions requested herein will therefore benefit the estate insofar as it
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1 may facilitate the informal resolution of claims issues and thereby potentially eliminate the need for
2 objections at the disclosure statement and confirmation stage.

3 6. Based on the foregoing, Movants respectfully request an order extending, by an
4 additional ninety (90) days from their current deadlines, the date by which they must file any
5 complaint to determine the dischargeability of a debt and their respective proof(s) of claim so that
6 (i) the deadline to file and serve a complaint to determine the dischargeability of a debt shall be
7 extended from July 23, 2010, to and including October 21, 2010, and (ii) the claims bar date shall
8 be extended from August 24, 2010, to and including November 22, 2010.
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10 Dated this 22nd day of July, 2010.
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12 MAUPIN, COX & LeGOY
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14 By: /s/
15 Christopher D. Jaime, Esq.
16 Attorneys for Movants
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify under penalty of perjury that I am an employee of MAUPIN, COX & LeGOY, Attorneys at Law, and that on the date indicated below, I served the foregoing document(s) described as follows:

**MOTION TO EXTEND TIME TO: (1) DETERMINE
DISCHARGEABILITY OF DEBT; AND (2) FILE PROOFS OF CLAIM**

on the party(s) set forth below by:

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Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage paid, following ordinary business practices, addressed as follows:

John White, Esq.
335 West First Street
Reno, NV 89503

Roger Pierre Baylocq
1275 Stardust Street
Reno, NV 89503

U.S. Trustee
300 Booth Street, Room 2129
Reno, Nevada 89509

✓

Electronic filing via the U.S. Bankruptcy Court CM/ECF filing system, to all those persons listed on the United States Bankruptcy Court ECF Confirmation Sheet.

DATED this 22nd day of July, 2010.

/s/ Karen Bernhardt
KAREN BERNHARDT